

REMARKS

Claims 1, 3-7 and 9-12 were pending at the time of the last Office Action. In this Amendment, claims 5-6 and 11-12 have been cancelled and claims 1 and 7 have been amended to incorporate all limitations of cancelled claims 5-6 and 11-12 respectively. Care has been exercised not to introduce new matter. Claims 1, 3-4, 7, and 9-10 are currently active for examination of which claims 1 and 7 are independent.

No new issue has been introduced by this Amendment, because the amendments to claims 1 and 7 incorporate limitations of cancelled claims 5-6 and 11-12 respectively.

Rejections of Claims Under 35 U.S.C. § 103

Claims 7 and 9-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Akiyama (EP 0 322 879 A2, hereinafter “Akiyama”) in view of Doherty et al. (U.S. Patent No. 5,224,421, hereinafter “Doherty”). Claims 1 and 3-4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shiraishi (U.S. Publication No. 2001/0038388, hereinafter “Shiraishi”), in view of Akiyama further in view of Doherty. Claims 5-6 and 11-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shiraishi, in view of Akiyama further in view of Doherty, further in view of Muramoto (U.S. Patent No. 6,978,536, hereinafter “Muramoto”).

The rejections are respectfully traversed for the following reasons.

Amended claims 1 and 7, in pertinent part, recite “representative point information including information on positions of said representative points set with respect to areas on the image data corresponding to respective ink key areas of a printing machine,” and “platemaking data creating means (step) for creating platemaking data..., said PDL data creating means(step)

and said platemaking data creating means(step) using common representative point information.”

As disclosed in paragraph [0031] of the disclosure, the representative point information takes account of and includes information on printing machine 30, since the representative points are set for the respective ink key areas of the printing machine. The platemaking data creating means “creates platemaking data” by “using the representative point information” including information on the printing machine, “information on positions of said representative points set with respect to areas on the image data corresponding to respective ink key areas of a printing machine.”

The proposed combination of Shiraishi, Muramot, Akiyama and Doherty fails to disclose the limitations of claims 1 and 7.

As regards the limitations of claims 1 and 7, the Examiner admitted Akiyama fails to disclose the limitations, but referred to Doherty as disclosing the limitations of claims 1 and 7.

Doherty adjusts the positions of the ink keys in printing units in case of a deviation of the fractions between the printed product and the printing copy to achieve a match of the density spectra, but does not use the positions of the ink keys themselves or areas on the image data corresponding to respective ink key areas of a printing machine for creating PDL data. (See abstract, column 4, lines 39-60, and claim 1) Contrary to the Examiner’s assertion, Doherty does not disclose setting “positions of said representative points set with respect to areas on the image data corresponding to respective ink key areas of a printing machine,” but focuses on adjusting position of ink keys. Doherty, thus, fails to cure deficiencies of Akiyama.

Shiraishi, which was cited for the platemaking data step(means), and Muramoto, which was cited for the apparatus for adjusting tone, fail to cure deficiencies of Akiyama.

Accordingly, as each and every limitation must be disclosed or suggested by the cited prior art references in order to establish a *prima facie* case of obviousness (*see*, M.P.E.P. § 2143.03) and for at least the foregoing reasons the proposed combination of Shiraishi, Muramoto, Akiyama and Doherty fails to do so, it is respectfully submitted that claim 1 and 7 and claims dependent thereon are patentable over the combination of Shiraishi, Muramoto, Akiyama and Doherty.

Conclusion

Upon entry of the above claim amendments, claims 1, 3-4, 7, and 9-10 remain active in this application. Applicant submits that all of the claims are in condition for allowance. Accordingly, this case should now be ready to pass to issue; and Applicant respectfully requests a prompt favorable reconsideration of this matter.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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